

Appl. No. 09/976,974
Amdt. Dated November 21, 2005
Reply to Office Action of September 19, 2005

Docket No. AP01950
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1-41 are pending and at issue in this present application. Of these, Claims 1 and 23 are independent. The Office Action of 19 September 2005 rejected Claims 1 and 23 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 1, 7, 13 and 17, 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Mizikovsky (USPN 5,559,860). Claims 1, 2, 4-9, 11-13, 16-20, 23, 24, 26-30, 33-37 and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Takagi (USPN 6,718,187). Claims 21, 22, 38, 39 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (USPN 6,718,187) in view of Singh (USPN 6,389,278). Claims 3, 15, 25 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (USPN 6,718,187) in view of Stewart (USPN 6,546,257). Claims 10, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takagi (USPN 6,718,187) in view of Sheth (USPN 6,405,106). Applicants respectfully request reconsideration and favorable action in this case in light of the present amendments and remarks herewith.

Applicants traverse the rejection of Claims 1 and 23 under 35 U.S.C. § 112, first paragraph for failing to comply with the written description requirement. Claims 1 and 23 are amended to more clearly recite that the context parameter *represents* a device operating situation. Applicants believe that the term *indicates* means the same thing as *represents*, but have amended the claims to accommodate the Examiner's preference in language.

Claims 1 and 23 are amended to recite, in part, to require setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. This is supported in the specification at least on page 6 line 22 and Figure 1. Thus, no new matter has been added.

Applicants respectfully traverse the rejection of Claims 1, 7, 13, 17, and 19-20 as being anticipated by Mizikovsky. Each of the pending claims recites setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. Mizikovsky does not disclose such a limitation and thus cannot anticipate the pending claims.

Appl. No. 09/976,974
Amdt. Dated November 21, 2005
Reply to Office Action of September 19, 2005

Docket No. AP01950
Customer No. 22917

While Mizkovsky discloses a system that automatically handles incoming calls based upon the identity of a caller, Mizkovsky does not disclose setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. Instead, Mizkovsky discloses a phone that recognizes an incoming call number via a caller ID signal and initiates a predefined response to the call based on the caller ID signal. Mizkovsky does not consider a plurality of context data. Moreover, Mizkovsky does not select a service state based on the *plurality* of context data. The identity of an incoming caller is not a plurality of context data as is required by Applicants' claims.

Applicants respectfully traverse the rejection of Claims 1, 2, 4-9, 11-13, 16-20, 23, 24, 26-30, 33-37 and 40 as being anticipated by Takagi. Each of the pending claims requires setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. Takagi does not disclose such a limitation and thus cannot anticipate the pending claims.

Generally, the claimed device receives a *plurality* of context data (e.g. from a set of sensors) in order to determine a device operating situation defined by a context parameter. For example, the context data may show that the device is not moving, that the device temperature is not human body temperature, and the device ambient noise relates to a group conversation. This *plurality* of context data may indicate a device operating situation where a device operator is conducting a meeting. Based on the device context, or device operating situation, the claimed device will select a particular service state in which to operate, i.e., it will operate according to a set of predefined operating rules, or device operating parameters. In the context described above, the claimed device will select a service state appropriate for a device operator conducting a meeting. The service state may be defined by a set of rules, or device operating parameters, such as "send all incoming calls to voice mail unless the call is from my boss, in which case initiate an audible alert." Thus, the claimed device receives a *plurality* of context data, determines the device operating situation based on a context parameter, and then operates the device according to a set of device operating parameters define a service state.

Appl. No. 09/976,974
Amdt. Dated November 21, 2005
Reply to Office Action of September 19, 2005

Docket No. AP01950
Customer No. 22917

Takagi does not disclose setting the service state of the wireless communication device in accordance with [a] context parameter and [a] *plurality* of context data. Thus, Takagi can not anticipate any of the pending claims.

For the reasons set forth above, Applicants respectfully request reconsideration and allowance of rejected Claims 1-41.


Applicants believe that no fee is due since Applicants have responded within two months of the mailing date of the office action.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.
1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
Customer Number: 22917

By: 
Indira Saladi
Attorney of Record
Reg. No.: 45,759

Telephone: 847-576-6735
Fax No.: 847-576-0721

Attachments